

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE: PINEAPPLE ANTITRUST LITIGATION

This document relates to:  
All Actions

10/5/15  
Civil Action No.  
1:04-md-1628 (RMB)(MHD)

**ORDER ON MOTION TO UNSEAL RECORD**

By motion filed July 31, 2015, intervenor David Samuels, a journalist and Contributing Writer at *The New York Times Magazine*, requested that the Court unseal documents in the record of this case pursuant to the public's right of access under First Amendment to the United States Constitution and the common law. *See* Docket Entries ("D.E.") 245, 246. It is hereby ordered that Mr. Samuels' motion is granted as follows:

The Clerk of the Court is directed to unseal all documents identified in Schedule A hereto. The following documents shall remain under seal: Ex. 3 (Dec. 23, 2005 Expert Report of Frank Tinari), Ex. 6 (excerpt from Dec. 23, 2005 Expert Report of Frank Tinari), Ex 7 (Table I of Dr. Reiff's Oct. 3, 2006 Declaration) and Ex. 12 (Excerpts of Aug. 31, 2005 deposition of S. Momber) to D.E. 157-1; Ex. 1 (Jan. 4, 2006 Expert Report of Ronald W. Cotterill) and Ex. 3 (Dec. 23, 2005 Expert Report of Frank Tinari) to D.E. 193-1; and Ex. 6 (Dec. 23, 2005 Expert Report of Frank Tinari) to D.E. 208.

The parties are directed to file in the public record copies of Exs. 3, 6, and 7 to D.E. 157-1; Exs. 1 and 3 to D.E. 193-1; and Ex. 6 to D.E. 208, containing certain limited, agreed upon redactions. Additionally, the direct purchaser plaintiffs are directed to produce a copy of Ex. 12

to D.E. 157-1 to Mr. Samuels directly. This Order does not preclude Mr. Samuels from moving to unseal any documents that remain redacted or under seal.

*Oct. 2, 2015*

  
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Michael H. Dolinger  
United States Magistrate Judge

## SCHEDULE A

## Schedule A

Docket Entry Requested	Description	Exhibit
D.E. 48-5	Exhibits to DECLARATION of Barrett in Opposition re: 34 MOTION to Certify Class	Exhibit C
D.E. 48-7	Exhibits to DECLARATION of Barrett in Opposition re: 34 MOTION to Certify Class	Exhibit E
D.E. 67-9	Exhibits to DECLARATION of Michael M. Buchman in Support re: 64 MOTION to Compel the Production of Privileged Documents Pursuant to the Crime Fraud Exception	Exhibit A
		Exhibit B
		Exhibit C
		Exhibit D
		Exhibit E
		Exhibit F
		Exhibit H
		Exhibit J
		Exhibit L
		Exhibit Q
		Exhibit R
		Exhibit S
		Exhibit T
		Exhibit U
		Exhibit V
		Exhibit W
		Exhibit X
		Exhibit Y
		Exhibit Z
		Exhibit AA
		Exhibit BB
		Exhibit DD
		Exhibit EE
		Exhibit FF
		Exhibit GG
		Exhibit HH
		Exhibit II
		Exhibit JJ
		Exhibit KK
		Exhibit MM
		Exhibit NN
		Exhibit PP
		Exhibit QQ
		Exhibit RR
		Exhibit SS
		Exhibit TT
		Exhibit UU
		Exhibit VV
		Exhibit WW
		Exhibit YY
		Exhibit ZZ
		Exhibit AAA

Docket Entry Requested	Description	Exhibit
		Exhibit BBB
		Exhibit CCC
		Exhibit DDD
		Exhibit EEE
		Exhibit FFF
D.E. 77-8	Exhibits to DECLARATION of Carl E. Goldfarb in Opposition re: 64 MOTION to Compel the Production of Privileged Documents Pursuant to the Crime Fraud Exception	
		Exhibit A-DM
		Exhibit F-DM
		Exhibit R-DM
		Exhibit Y-DM
		Exhibit BB-DM
		Exhibit DD-DM
		Exhibit EE-DM
		Exhibit GG-DM
		Exhibit KK-DM
		Exhibit MM-DM
		Exhibit WW-DM
		Exhibit YY-DM
D.E. 86	MEMORANDUM OF LAW in Opposition re: 64 MOTION to Compel the Production of Privileged Documents Pursuant to the Crime Fraud Exception. Defendants' Corrected Opposition to Plaintiffs' Motion to Compel The Production of Privileged Documents Pursuant to the Crime-Fraud Exception (Redacted)	
D.E. 87-1	Exhibits to DECLARATION of Carl E. Goldfarb in Opposition re: 64 MOTION to Compel the Production of Privileged Documents Pursuant to the Crime Fraud Exception	
		Exhibit 1
		Exhibit 2
		Exhibit 3
		Exhibit 5
		Exhibit 6
		Exhibit 7
		Exhibit 8
		Exhibit 10
		Exhibit 11
		Exhibit 12
		Exhibit 13
		Exhibit 14
		Exhibit 15
		Exhibit 16
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		Exhibit 22
		Exhibit 23
		Exhibit 24
		Exhibit 25
		Exhibit 26

Docket Entry Requested	Description	Exhibit
		Exhibit 27
		Exhibit 28
		Exhibit 29
		Exhibit 30
		Exhibit 31
		Exhibit 33
		Exhibit 34
		Exhibit 35
		Exhibit 36
		Exhibit 37
		Exhibit 40
		Exhibit 41
		Exhibit 42
		Exhibit 43
		Exhibit 44
		Exhibit 46
		Exhibit 47
		Exhibit 48
		Exhibit 49
		Exhibit 52
		Exhibit 55
		Exhibit 56
		Exhibit 57
		Exhibit 58
		Exhibit 59
		Exhibit 60
		Exhibit 61
		Exhibit 62
		Exhibit 63
		Exhibit 64 a
		Exhibit 64 b
		Exhibit 65
		Exhibit 66
		Exhibit 67a
		Exhibit 67b
		Exhibit 67c
		Exhibit 68
		Exhibit 69
		Exhibit 70
		Exhibit 71a
		Exhibit 71b
		Exhibit 72a
		Exhibit 72b
		Exhibit 73a
		Exhibit 73b
		Exhibit 74
		Exhibit 75
		Exhibit 76a
		Exhibit 76b
		Exhibit 77a
		Exhibit 77b
		Exhibit 77c

Docket Entry Requested	Description	Exhibit
		Exhibit 78
		Exhibit 79a
		Exhibit 79b
		Exhibit 79c
		Exhibit 79d
		Exhibit 79e
		Exhibit 79f
		Exhibit 80a
		Exhibit 80b
		Exhibit 81a
		Exhibit 81b
		Exhibit 82
		Exhibit 83
		Exhibit 84a
		Exhibit 84b
		Exhibit 84c
		Exhibit 85
		Exhibit 86
		Exhibit 87
		Exhibit 88
		Exhibit 89a
		Exhibit 89b
		Exhibit 90
D.E. 90	Pl's MOTION to Compel the Production of Privileged Documents Pursuant to the Crime Fraud Exception	
D.E. 91-1	Exhibits to REPLY AFFIDAVIT of Michael M. Buchman in Support re: 64 MOTION to Compel the Production of Privileged Documents Pursuant to the Crime Fraud Exception..	
		Exhibit A
		Exhibit B
		Exhibit C
		Exhibit D
		Exhibit H
		Exhibit I
		Exhibit J
		Exhibit K
		Exhibit L
		Exhibit M
		Exhibit N
		Exhibit O
		Exhibit P
		Exhibit Q
		Exhibit R
		Exhibit S
		Exhibit T

Docket Entry Requested	Description	Exhibit
		Exhibit U
		Exhibit V
		Exhibit W
		Exhibit X
		Exhibit Y
		Exhibit Z
		Exhibit AA
		Exhibit CC
		Exhibit DD
		Exhibit EE
		Exhibit FF
D.E. 92	CERTIFICATE OF SERVICE of [Redacted] Plaintiffs' Reply Memorandum	
D.E. 96-1	Exhibits to REPLY MEMORANDUM OF LAW in Opposition re: 64 MOTION to Compel the Production of Privileged Documents Pursuant to the Crime Fraud Exception. Defendants' Sur-Reply in Opposition to Plaintiffs' Motion to Compel the Production of Privileged Documents Pursuant to the Crime-Fraud Exception-Filed Under Seal.	
		Exhibit 1
		Exhibit 2
		Exhibit 3
		Exhibit 4
		Exhibit 5
		Exhibit 8
		Exhibit 9
		Exhibit 10
		Exhibit 11
		Exhibit 12
		Exhibit 13
		Exhibit 14
		Exhibit 15
		Exhibit 16
		Exhibit 17
		Exhibit 19a
		Exhibit 19b
		Exhibit 20
		Exhibit 21a
		Exhibit 21b
		Exhibit 22
		Exhibit 23a
		Exhibit 23b
		Exhibit 24a
		Exhibit 24b
		Exhibit 25
		Exhibit 26
		Exhibit 27
		Exhibit 28
		Exhibit 29
		Exhibit 30
		Exhibit 31
		Exhibit 32



Docket Entry Requested	Description	Exhibit
		Exhibit 33
		Exhibit 34a
		Exhibit 34b
		Exhibit 35
		Exhibit 36a
		Exhibit 36b
		Exhibit 37
		Exhibit 38
		Exhibit 39a
		Exhibit 39b
D.E. 100	CERTIFICATE OF SERVICE of [REDACTED] PLAINTIFFS' RESPONSE TO DEFENDANTS' SUR-REPLY TO PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF PRIVILEGED DOCUMENTS	
D.E. 126-4	Exhibit to DECLARATION of Carl E. Goldfarb in Opposition re: 119 MOTION to Certify Class Corrected Mem Re: Manageability of the Indirect Purchaser Class	Exhibit - Declaration of B. Reiff in Support of Class Manageability
D.E. 126-6	Exhibit to DECLARATION of Carl E. Goldfarb in Opposition re: 119 MOTION to Certify Class Corrected Mem Re: Manageability of the Indirect Purchaser Class	Exhibit -Declaration of F. Tinari in Support of Class Manageability
D.E. 131-4	Exhibit to DECLARATION of Michael M. Buchman in Support re: (39 in 1:04-cv-02526-RMB) MOTION for Reconsideration	
		Exhibit D
		Exhibit E
		Exhibit F
		Exhibit G
		Exhibit H
		Exhibit I
D.E. 141	RESPONSE in Opposition re: 130 MOTION for Reconsideration "The Direct Purchaser Plaintiffs' and Indirect Purchaser Plaintiffs' Notice of Motion for Objection to Magistrate Dolinger's Order on Crime-Fraud Pursuant to Fed. R. Civ. P. 72". Del Monte's Opposition to Plaintiffs' Objections to Magistrate Judge's Denial of Their Crime-Fraud Motion.	

Docket Entry Requested	Description	Exhibit
D.E. 142-1	Exhibit to DECLARATION of Carl E. Goldfarb in Opposition re: 130 MOTION for Reconsideration	
		Exhibit 1
		Exhibit 2
		Exhibit 3
D.E. 142-4	Exhibit to DECLARATION of Carl E. Goldfarb in Opposition re: 130 MOTION for Reconsideration	Exhibit 4
		Exhibit 7
		Exhibit 8
		Exhibit 9
		Exhibit 10
		Exhibit 11
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		Exhibit 14
		Exhibit 15
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		Exhibit 22
		Exhibit 23
		Exhibit 24
		Exhibit 25
		Exhibit 26
		Exhibit 27
		Exhibit 28
		Exhibit 29
		Exhibit 30
D.E. 157-1	Exhibits to DECLARATION of Dr. Frank D. Tinari in Opposition re: 119 MOTION to Certify Class Corrected Mem Re: Manageability of the Indirect Purchaser Class..	
		Exhibit 1
		Exhibit 2
		Exhibit 4
		Exhibit 5
		Exhibit 11
		Exhibit 13
D.E. 191	MEMORANDUM OF LAW in Support re: 190 MOTION for Summary Judgment, and Exclusion of Expert Evidence. Document filed by Del Monte Fresh Produce	Exhibit 14
		Exhibit 15

Docket Entry Requested	Description	Exhibit
D.E. 193-1	Exhibits to DECLARATION of Carl E. Goldfarb in Support re: 190 MOTION for Summary Judgment.	
		Exhibit 2
		Exhibit 4
		Exhibit 5
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Docket Entry Requested	Description	Exhibit
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		Exhibit 68
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		Exhibit 69a
		Exhibit 70
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		Exhibit 74
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		Exhibit 91
		Exhibit 92
		Exhibit 93

Docket Entry Requested	Description	Exhibit
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		Exhibit 102
		Exhibit 103
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		Exhibit 121
		Exhibit 122
		Exhibit 123
		Exhibit 124
		Exhibit 125
		Exhibit 125a
		Exhibit 129
		Exhibit 130
		Exhibit 137
		Exhibit 138
		Exhibit 139
		Exhibit 140
		Exhibit 142
D.E. 197	CERTIFICATE OF SERVICE of Defendants' Sur-Reply in Opposition to Plaintiff's Motion to Compel	

Docket Entry Requested	Description	Exhibit
D.E. 202-1	DECLARATION of Carl E. Goldfarb in Support re: 190 MOTION for Summary Judgment..	
		Exhibit 1
		Exhibit 2
		Exhibit 3
		Exhibit 4
		Exhibit 5
		Exhibit 6
D.E. 207	SEALED DOCUMENT placed in vault.(jri)	Exhibit 7
D.E. 208-4	Exhibit to DECLARATION of Carl E. Goldfarb in Support re: 119 MOTION to Certify Class Corrected Mem Re: Manageability of the Indirect Purchaser Class..	Exhibit 4